

**WOODBURN PLANNING COMMISSION WORKSHOP/MEETING
MINUTES
April 28, 2011**

CONVENED: The Planning Commission met in a workshop/meeting session at 7:00 p.m. in the City Hall Council Chambers, with Chair Jennings presiding.

ROLL CALL:

Chair	Jennings	Present
Vice-Chair	Bandelow	Present
Commissioner	Corning	Present
Commissioner	Grigorieff	Present
Commissioner	Piper	Present
Commissioner	Ellsworth	Present

Staff Present Jim Hendryx, Director of Economic and Development Services
 Don Dolenc, Associate Planner
 Vicki Musser, Recording Secretary

Chair Jennings opened the workshop/meeting at 7pm, and led the Commissioners in the flag salute.

Minutes

Commissioner Piper moved to accept the minutes of March 24, 2011 as written. Commissioner Grigorieff seconded the motion, and it was unanimously approved.

Business from the Audience

There was none.

Communication

Economic and Development Services Director Jim Hendryx welcomed Lisa Ellsworth, the newest member of the Planning Commission.

There was no other communication.

Workshop – Woodburn Development Ordinance (WDO)

Chair Jennings opened the workshop by explaining that the primary objective of the Woodburn Development Ordinance Focus Group is to make the WDO more user-friendly

Director Hendryx stated that the Woodburn Development Ordinance (WDO) has to comply with state-wide planning goals, as well as to implement the community’s vision. It provides a variety of developmental options and opportunities.

Unfortunately, at present the WDO is difficult to understand and administer. It has circular references and conflicting standards, as well as redundancies. There have been many complaints from the public.

The City Council appointed a group of residents to study the WDO and recommend changes. They've held meetings for two years, first becoming familiar with the requirements as a prerequisite for change. The ordinance is divided into sections. Any changes to the ordinance require 45 days notice to the Department of Land Conservation and Developments (DLCD). Due to Measure 56 regulations, notice must also be sent out to every property owner affected by change. Land use zoning, specific use standards and development guidelines and standards all require Measure 56 notice. Such a notice was sent out when the sign standards were changed in late 2010. Letters were sent to 5,900 property owners at a cost of \$2,000. Mandatory language is a requirement for Measure 56 notices, and once the letters were received, there were hundreds of phone calls seeking further clarification.

The code is comprised of two sections – the less controversial administration and procedures, which do not require Measure 56 mailing, and land use regulations, which can be more controversial, and do require a Measure 56 notice to be sent out to all affected property owners. Director Hendryx went over Sections 4 and 5 of the WDO, in which change is being proposed. He also introduced basic changes to Section 1, leaving further details for the next Planning Commission meeting on Thursday, May 12.

In **Section 4.101**, changes include:

1. Clarifying purpose
2. Indexing
3. Reordering alphabetically
4. Eliminating circular references
5. Making minor changes to the text
6. Clarifying notice requirements
7. Changing to require applicant to post on-site notice
8. Improving readability

The intent is to standardize application requirements and be able to give an applicant a concise list of procedures to follow.

Chair Jennings brought up the need to verify the prospective applicant's on-site notice posting, if that change is made (see item #7 above). Director Hendryx said that Woodburn is a small community, and the community itself will provide feedback. If notice failed to be posted, it would end up being discussed at a City Council hearing.

The main proposed change to Section 4.101 is requiring the applicant to post notice on-site.

Section 4.102 deals with review, interpretation and enforcement. Changes here include:

1. Reordering alphabetically
2. Indexing
3. Permit expiration changes
4. Interpretations –dictionary vs. NAICS

Subdivisions, partitions, and PUDs presently expire 2 years after the permit is issued. All other permits, such as design review, manufactured parks, etc, expire 1 year after issuance. Presently, extensions are granted for a period of 1 year. The proposed change would extend permit life to 3 years across the board, with a 2 year extension.

At present, terms are defined exhaustively in the North American Industry Classification System (NAICS). The proposal would delete the mandatory language referencing NAICS and reference a dictionary instead.

There are 4 different types of applications. Type I is administrative, and the Director makes the final decision, with no need for public notice or appeal. Examples of Type I applications include:

- Access Permit to a City Street, Excluding a Major or Minor Arterial Street
- Design Review
- Fence and Free Standing Wall
- Grading Permit
- Manufactured Dwelling Park, Final Plan Approval
- Partition and Subdivision Final Plat Approval
- Planned Unit Development (PUD), Final Plan Approval
- Property Line Adjustment; Consolidation of Lots
- Riparian Corridor and Wetlands Overlay District Permit
- Sign Permit
- Significant Tree Removal Permit
- Temporary Outdoor Marketing and Special Event Permit

Type II permits are quasi-administrative; the Director makes the decision, and then that decision is mailed to surrounding property owners, who can appeal to the City Council if they disagree. Examples of Type II permits include:

- Access Permit to a City Major or Minor Arterial Street
- Architectural Standard Substitution
- Design Review, Type II
- Exception to Street Right of Way and Improvement Requirements
- Partition, Preliminary Approval
- Zoning Adjustment

Type III permits require notice of public hearing to be mailed to surrounding property owners. Notice of the hearing must be posted on the property. The Planning Commission makes the final decision, whereupon notice of that decision is mailed to

surrounding property owners, and if they disagree with the notice, they can appeal to the City Council. Examples of Type III permits include:

- Conditional Use
- Design Review, Type III
- Exception to Street Right of Way and Improvement Requirements
- Manufactured Dwelling Park, Preliminary Approval
- Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park
- Planned Unit Development (PUD), Preliminary Plan Approval
- Planned Unit Development (PUD), Design Plan Final Approval
- Special Conditional Use - Historically or Architecturally Significant Building
- Special Use as a Conditional Use
- Subdivision Preliminary Approval
- Telecommunications Facility, Specific Conditional Use
- Variance

Type IV permits are quasi-judicial. Notice of a public hearing is mailed to surrounding property owners, and is posted on the property. The Planning Commission makes a recommendation to the City Council, and the Council makes the decision. Examples include:

- Annexation
- Comprehensive Plan Map Change, Owner Initiated
- Formal Interpretation of the Woodburn Development Ordinance
- Zoning Map Change, Owner Initiated

Section 5.101 deals with requirements for applications. Changes to this section include:

1. Indexing and purpose statement
2. Reordered alphabetically
3. Improved readability
4. Removed unnecessary application requirements
5. Design review: Increased size threshold for Type I

The major policy issue for the Commission involves modifications to the threshold when design review is required.

For example, under the proposed modification to this section, a proposal to increase an existing building by 10% or less would be decided administratively. This would hold true for both commercial and industrial buildings. New buildings, less than 500 sq ft in commercial and 1,000 sq ft in industrial zones, would also be administered administratively. New or expanded buildings that increase lot coverage by less than 10%, and changes of use resulting in a 10% or less increase of required parking, would be a Type I decision.

Commissioner Bandelow noted that a 10% increase is disconcerting when it involves a 21,000 square foot or larger building such as Wal-Mart, and thinks that this is a proposed change which merits further discussion.

Section 5.102 deals with Type II application requirements. Changes include:

1. Indexing and purpose statement
2. Reordered alphabetically
3. Improved readability
4. Unnecessary application requirements have been removed
5. Design review - increased size threshold for Type II review

The major policy issue for the Commission to consider with this section involves modifications to the threshold when Type II notice is required to be provided for design review.

Type II design review size thresholds have several proposed changes:

- May be increased 1,000 square feet or less in the RS, R1S, RM, and P/SP
- May increase 2,000 square feet or less than in the CO, CG, DDC, and NNC zones
- May increase 3,000 square feet or less in the IP, IL, and SWIR zones
- CO, CG, DDC, NNC, IP, IL, and SWIR zones
 - Expansions or new buildings that increase lot coverage by more than 10% but less than 25%
- Single family and duplexes in the NCOD zone, but excluding structures subject to Type I review
- Change of use resulting in a 10% but less than 25%+ increase in required parking

Section 5.103 discusses Type III application requirements. Changes to this section include:

1. Design review - increased size threshold for Type III review
2. Non-residential structures in residential zones greater than 1,000 square feet in the RS, R1S, RM, and P/SP zones
3. Multi-family dwellings not meeting all architectural design guidelines and standards
4. Structures greater than 2,000 square feet in the CO, CG, DDC, and NNC zones
5. Structures greater than 3,000 square feet in the IP, IL, and SWIR zones
6. For sites with existing buildings in the CO, CG, DDC, NNC, IP, IL, and SWIR zones; expansions or new buildings that increase lot coverage by more than 25%
7. Change of use resulting in a 25%+ increase of required parking

The major policy issue for the Commission to consider with this section involves modifications to the threshold when Type III notice is provided for design review and a public hearing is held before the Commission. Policy issues focus on increasing the thresholds of Type III reviews.

Section 5.104 discusses Type IV application requirements. Changes to this section include:

1. Indexing and purpose statement
2. Reordering alphabetically
3. Improved readability
4. Unnecessary application requirements removed

There were no policy issues associated with these changes.

It was decided to go through Sections 4 and 5 paragraph by paragraph, beginning at the next meeting on May 12th, to be sure the Commissioners fully understand and endorse suggested changes. Design review thresholds may be discussed at length in future meetings.

The first public hearing has been scheduled for June 9th. Several workshops are planned for discussing the proposed changes, previous to the public hearing.

Director Hendryx introduced the main ideas in Section 1 of the WDO, promising to go into each area in more depth during the next meeting. Chair Jennings felt that Sections 1.105 and 1.106, which deal with the Planning Commission and the Design Review Board, do not belong in the WDO, and requested that staff investigate their possible removal.

Comments from the Commission

Commissioner Bandelow raised a question about a church property where multiple trees had been removed. Director Hendryx was able to assure her that this was done through appropriate channels, and that new trees will be planted. The Commission would like to look at tree removal standards as part of the WDO change process.

Chair Jennings observed that some business owners along the 99E corridor do not want to wait 25 years for the corridor study to be completed and implemented. These owners are interested in beginning to improve their businesses and properties now. Director Hendryx said there are tools that can help these business owners spruce up and clean up, such as the Economic Improvement District (EID) and the Business Improvement District (BID). The Planning Department is working with the Chamber of Commerce to start discussions with both the EID and the BID.

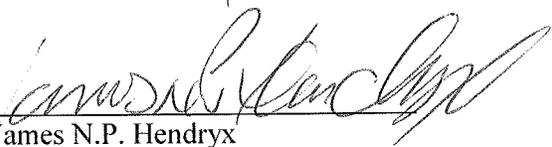
Meeting

The next Planning Commission meeting/workshop will take place on Thursday, May 12th, 2011.

Adjournment

Commissioner Jennings made a motion to adjourn the meeting. Commissioner Piper seconded the motion, and the meeting was adjourned at 8:38 pm.

APPROVED  5-13-11
Richard Jennings, Chair Date

ATTEST  05/13/11
James N.P. Hendryx Date
Economic & Development Services Director
City of Woodburn, Oregon